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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-14-00175-WHA
)	
Plaintiff,)	UNITED STATES'S RESPONSE TO COURT'S
)	ORDER TO SHOW CAUSE [Dkt. 1277]
v.)	
)	
PACIFIC GAS AND ELECTRIC COMPANY,)	
)	
Defendant.)	
)	

The United States, through Assistant United States Attorneys Jeffrey Schenk, Philip Kopczynski, and Noah Stern, responds to the Court's order to show cause. Dkt. 1277. In response to the Court's order, PG&E agreed to implement the new conditions of probation proposed by the Court with the addition of some supplemental language. Dkt. 1279.

The government shares the concerns outlined by the Court in its order to show cause. While PG&E appears to have made significant strides in its vegetation management work, the Court's Monitor has continued to find deficiencies. Further, the evidence presented to the Court regarding the Zogg Fire

1 strongly suggests that it was sparked by a tree falling on PG&E equipment. According to PG&E's
 2 filings, the relevant tree may have, at one point in 2018, been designated for removal but was never
 3 removed.

4 Ensuring that PG&E considers available data regarding outstanding vegetation management
 5 work in its analysis of whether to engage Public Safety Power Shutoffs ("PSPS") that can prevent
 6 wildfires appears eminently reasonable. The government, therefore, has no objection to the proposed
 7 conditions. The government also has no objections to the supplemental language proposed by PG&E,
 8 except to note that revised condition 11 might be more clearly worded as follows:

9 Proposed Condition 11: In determining which distribution lines in Tier 2 or Tier 3 to de-
 10 energize during a PSPS event, PG&E must take into account all information in its
 11 possession and in the possession of its contractors and subcontractors concerning all
 12 outstanding vegetation management work tagged 'Priority 1' or 'Priority 2' within PG&E's
 13 service territory that is subject to potential de-energizations. PG&E will implement this
 14 condition by July 1, 2021.

15 PG&E's filings make clear that the models used to determine whether to engage PSPS are complex, and
 16 the competing considerations are weighty given the safety risks and other ill effects of shutting off the
 17 power. The government is not in position to comment on the appropriate calibration of the PSPS
 18 models, but believes that PG&E's proposal to use experts to develop thresholds over the coming months
 19 and share them with the Court and the Monitor is reasonable.

20 DATED: January 25, 2021

Respectfully submitted,

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23 /s/
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